WPSS No. 1611 of 05:

Hon'ble M.M. Ghildiyal, J.

Heard Sri Rakesh Thapliyal, learned counsel for the petitioners, Sri Sudhanshu Dhulia, Senior Advocate assisted by Sri Arvind Vashishtha, learned counsel for the State Election Commission and Sri H.M. Raturi, learned Standing Counsel for the State.

By means of this writ petition, the petitioners have prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 08.10.2005 passed by the State Election Commissioner,

ii. Issue a writ, order or direction in the nature of mandamus directing to the respondents to regularize the services of the petitioners against the posts, which are being occupied by them on contractual basis,

iii. Issue a writ, order or direction in the nature of mandamus directing to the respondents to pay the regular pay scale, which is prescribed for the posts, which are being occupied by the petitioner,

iv. Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper on the basis of the facts and circumstances of the case,

v. Award the cost of the petition to the petitioners.

The prayers sought by the petitioners in the instant petition cannot be granted by this Court in view of the judgment of Hon'ble the Apex Court in the case of State of Karnataka vs. Uma Devi, reported in 2006 (4) Supreme Court Cases, page-01. Therefore, the petition lacks merit and deserves to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

(M.M.G., J.)

24.04.2007:
NCM: